

**COX, WOOTTON, GRIFFIN,
HANSEN & POULOS, LLP**

Terence S. Cox (SBN 076142)
Marc T. Cefalu (SBN 203324)
190 The Embarcadero
San Francisco, CA 94105
Telephone No.: 415-438-4600
Facsimile No.: 415-438-4601

Attorneys for Defendant
AMERICAN SHIP MANAGEMENT, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LAWRENCE BROWN,

Plaintiff,

v.

AMERICAN SHIP MANAGEMENT,
LLC.,

Defendants.

Case No.: C 04-3788-JSW

**STIPULATION AND
~~PROPOSED~~ ORDER
CONTINUING TRIAL DATE AND
RELATED DISCOVERY
DEADLINES**

IT IS HEREBY STIPULATED by and between the parties to this action, through their respective counsel, that *good cause* exists to continue the trial date currently set for February 6, 2006, the Pre-trial Conference date set for January 16, 2006, the non-expert discovery cutoff date of November 1, 2005, the expert disclosure deadline of December 15, 2005 and the last day for expert discovery deadline of December 30, 2005 for approximately two to three months *in the interest of justice* based upon the following:

- (1) The plaintiff is a merchant seaman who currently resides in the Seattle, Washington area. By the nature of the plaintiff's work at sea, he is often unavailable while at sea for months on end.
- (2) The plaintiff's alleged incident occurred while he was at sea and employed by the defendant. As a result, many of the

COX, WOOTTON,
GRIFFIN, HANSEN
& POULOS, LLP
190 THE EMBARCADERO
SAN FRANCISCO,
CA 94105
TEL: 415-438-4600
FAX: 415-438-4601

ASM:Brown

potential witnesses in this action are also merchant seaman who are oftentimes unavailable and at sea for months on end.

(3) The depositions of the plaintiff's treating physicians were completed on March 31, 2005. The plaintiff's deposition was completed on July 18, 2005.

(4) Counsel for the defendant has recently learned that Mr. Charles Greenfield, the *key* liability witness in this case and Mr. Brown's supervisor at the time of the incident, has recently shipped out of his union hall for a job assignment. He apparently will not return from sea for approximately 90 days. Therefor the earliest that Charles Greenfield will be able to be deposed will be around the end of January 2006.

(5) The defendant has not had the opportunity to interview or depose Mr. Greenfield because he currently has his own lawsuit pending against the defendant, American Ship Management, in which he is represented by counsel. Counsel for Mr. Greenfield has agreed to produce Mr. Greenfield for his deposition in this case immediately following the conclusion of the deposition in his own case. Defense counsel [who is also counsel of record for the defendant in the Charles Greenfield case] expects that the depositions will take place sometime in late January 2006 once Mr. Greenfield has returned from sea. Just very recently Judge Alsup continued the trial and discovery cut-off dates in Mr. Greenfield's case as a result of his unavailability while at sea.

(6) *Most importantly*, the defendant will not learn until Mr. Greenfield's deposition his version of both as to how this accident allegedly occurred, who witnessed what before,

COX, WOOTTON,
GRIFFIN, HANSEN
& POULOS, LLP
150 THIRD EMBARCADERO
SAN FRANCISCO,
CA 94105
TEL: 415-438-4600
FAX: 415-438-4601

ASM.Brown

during and after the alleged incident. Learning this information is essential for both parties to properly evaluate liability in this case.


(7) The parties therefore agree that the non-expert discovery cutoff should be continued to approximately three months to the end of February 2006, with the newly set expert report, expert discovery dates, pretrial date and the trial dates to follow.

(8) There have been no previous trial continuances.

Counsel for the parties request that the non-expert discovery cutoff date of November 1, 2005 and all related dates, including the Pre-trial Conference date and the February 6, 2006, trial date be continued for two to three months to allow the parties to depose the key liability witness Charles Greenfield so that they may schedule a meaningful mediation to take place shortly after that deposition.

Dated: November 17, 2005

WELTIN LAW OFFICE, P.C.
Attorneys for Plaintiff LAWRENCE BROWN

By:  for Philip Weltin per written authority
Philip R. Weltin

Dated: November 17, 2005

COX, WOOTTON, GRIFFIN,
HANSEN & POULOS, LLP
Attorneys for Defendant,
AMERICAN SHIP MANAGEMENT, LLC

By: 
Terence S. Cox

COX, WOOTTON,
GRIFFIN, HANSEN
& POULOS, LLP
150 THE EMERALD AVE.
SAN FRANCISCO,
CA 94105
TEL: 415-438-4100
FAX: 415-438-4501

///

///

///

ASM.Brown

PURSUANT TO STIPULATION IT IS ORDERED that:

The trial date is continued to April 17, 2006 at 8:30 a.m.

The Pre Trial Conference is continued to March 27, 2006 at 2:00 p.m.

The close of non-expert discovery is January 10, 2006.

The close of expert discovery is March 10, 2006.

The simultaneous exchange of experts and reports is February 23, 2006.

Dated: November 21, 2005

By: _____



The Honorable Jeffrey S. White

COX, WOOLTON,
GRIFFIN, HANSEN
& POULOS, LLP
190 THE EMBARCADERO
SAN FRANCISCO,
CA 94105
TEL: 415-478-4600
FAX: 415-478-4601

ASM.Brown